

SECOND ANNUAL MESSAGE

OF

GOV. A. J. FAULK,

TO THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF DAKOTA.

DELIVERED DECEMBER 3, 1867.

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DELIVERED, DECEMBER 1867.

YANKTON, DAKOTA TERRITORY
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GOVERNOR'S MESSAGE.

GENTLEMEN OF THE COUNCIL AND HOUSE OF REPRESENTATIVES:

After the lapse of a year you again have met to discharge the duties imposed upon you by the Organic Act. Our first duty should be to give expression to our feelings of gratitude to the Giver of all good for the favorable circumstances which surround us. The blessings of health, to a degree almost unknown in other parts of the Union, have been vouchsafed to us during the whole of the past year; while the season of crops has been more than usually favorable. Immigration has added largely to our numbers, and the most favorable evidences of prosperity and increase are springing up everywhere within our borders. I have heretofore expressed unbounded confidence in our natural advantages; in the salubrity of the climate, and the inexhaustible fertility of the soil of Dakota. And others from abroad, also, are beginning more clearly to realize and appreciate these important truths. Within the past twelve months it has been estimated that the population of the Territory has been more than doubled by immigration. A sober, industrious, and intelligent population are coming among us, whose influence and capital are being felt in every department of trade and enterprise, adapted to our present condition and wants. From all these auspicious omens we may justly congratulate ourselves; and, taking fresh courage from past success, renew and continue the efforts so well and ef-

fectually made by past Executives, Legislatures, and people, for the general prosperity and rapid growth of the Territory.

During my unavoidable absence from Dakota, embracing about one-third of the past year, the duties of the Executive office devolved upon, and were discharged, by the Hon. Secretary of the Territory; and I am pleased to say, with that promptness and ability for which his well known legal and practical training so highly qualify him.

OUR INDUSTRIAL INTERESTS.

While it should be our aim to foster and encourage all branches of industry, yet agriculture may justly be considered the real basis of our future hopes and prosperity. In this department of labor probably rests our best hope of the future, in the pursuit of which we will in time build up a thrifty population, the bone and sinew of our future commonwealth. Millions of acres of the richest grasses, and most prolific soil, here await the industrious emigrant, almost "without money and without price." Here labor is dignified; and we look with pride upon those of our neighbors who make to themselves homes and fortunes by honest and ennobling toil. Here, on these broad, lovely, and fertile prairies, there is a vast field for industrial development, while there is ample room and work for all, and a bountiful reward for all who do not despise the day of small things; but who, with the cheerful faith, courage and patience of the true pioneer, beginning low down at the bottom of the ladder, ascend its rounds by slow and sure degrees.

It would be well to consider whether there is any way by which you may, by your deliberations, create an increased interest in this branch of industry. Societies might be encouraged, local and Territorial, through which agricultural science might be advanced. These would soon become the receptacles of practical knowledge, well calculated to stimulate

enterprise in the importation and improvement of stock, cereals, plants, fruits, and everything pertaining to agriculture, in all its important ramifications.

INDIAN RELATIONS.

The past year has been one of peace with the Indians, so far as concerns the settled portions of eastern and southern Dakota. In the west, owing chiefly to the hostility of certain Indians to the Powder river wagon road, which, to the white race, has become a convenient if not indispensable thoroughfare to and from the mining regions of Montana, war has until recently existed, accompanied with its attendant horrors. But the travel and rapidly growing trade on the Missouri river, have scarcely met with any opposition whatever, in the past year, from this cause—while, on the contrary, the tribes having their homes in the neighborhood of this stream, manifest an increased anxiety to abandon their nomadic habits, and obtain their future subsistence, under the guardianship of the government, by means of pastoral or agricultural pursuits.

TERRITORIAL LIBRARY.

Congress, a few years since, appropriated \$2,500 to purchase a Territorial Library for Dakota, in common with other Territories. These books are of course the exclusive property of the Territory, and as such under the control of the legislature. I would recommend that an appropriation be made out of the Territorial treasury, for the purpose of paying some competent person to catalogue these books, and for the purpose of printing such catalogue.

TERRITORIAL ARMS AND ARMORY.

In my last message I called your attention to the importance of providing for the reception and safe-keeping of certain government arms due this Territory, and to the propriety of collecting and preserving those already entrusted to our charge, with the view to be thoroughly prepared for our own defence,

against any apprehended attacks of hostile Indians. Nothing, however, was done by the Legislature to meet the emergency. Since then one thousand stand of arms, with the necessary fixed ammunition, together with equipments sufficient for four hundred cavalry, were received by the Adjutant General, from the Secretary of War, on my requisition; a portion of which he has issued out to military companies, which, with a most laudable and patriotic zeal, on the part of the citizens of the Territory, were promptly organized and officered, under the militia law, approved May 8, 1862. The cost of transportation was charged to the public treasury, and but little expense to the Territorial treasury was incurred in connection with their delivery. Still a large portion of the arms and ammunition yet remain on hand, without any suitable provision for their storage or safe-keeping. It would be well for you to consider whether, since the government has dealt toward us with such a liberal hand, you cannot devise some appropriate means by which the remainder can be securely kept for future use; and whether some amendments to the militia law, above referred to, may not be required to make it more efficient and useful.

For further information on this subject I respectfully refer you to the Report of the Adjutant General. I also refer you to the Reports of the Territorial Auditor, Treasurer, and Superintendent of Public Instruction, for much useful and gratifying information connected with the finances of the Territory, and with the condition and progress of the public schools.

EDUCATION.

Considering the obstacles to be overcome in a new and sparsely settled country like this—the straitened means of an infant Territory—the schools already seem to be in a flourishing condition. The progress made, the good accomplished and in prospect, amply vindicate the wisdom and forecast of the men, who, at the session of the first Legislature, convened in the

spring of 1862, laid the foundations of this system of education. Its beneficent results to be realized in future years, in a moral, social, and political aspect, can scarcely be foretold or even appreciated. Its impartial diffusion of knowledge gives it the pre-eminence over all older systems; and I apprehend we must adhere to it, so long as we base the preservation of our constitutional liberty, and free institutions, on the intelligence of the masses, or sincerely believe in man's capacity for self-government. The provision made by Congress, and approved March 2, 1861, for the future education of the people of this Territory, is most ample, and will produce a school fund of infinite value, when we have thrown off our present condition, and assumed the proud position of a State in the Union. This liberal grant seems to have been inspired by the great example set by our illustrious fore-fathers, in the Congress of 1787, when on the 20thth of May, speaking in reference to the munificent land grants for the then Northwestern Territory, they declared: "That religion, morality, and knowledge, being necessary to good government, and the happiness of mankind, schools, and the means of education, shall be forever encouraged."

OUR RAILROADS.

At the last session of the Legislature, acts were passed incorporating the Dakota and Northwestern, and the Minnesota and Missouri river railroad companies, the corporators of which have since met and fully organized, according to the provisions of the acts named. Interest, in regard to these important projected improvements, has been considerably awakened during the course of the last year, and it may be presumed that Congress will be applied to, at the coming session, for grants of land to aid and encourage the said companies in their construction. Whether or not the Legislature should memorialize Congress in behalf of these grants, is a matter for you to decide. It is presumed that we have, in the

vast bounds of Dakota, rich and valuable lands enough to fully indemnify capitalists for the investment of their money in these enterprises; and if we sufficiently consider the effect, when made, upon the future of this Territory, we will not withhold an expression of sympathy in behalf of such a donation. Congress has given liberally, as well of the public money as the public lands, to aid in constructing the great Pacific road across the continent, including its branches. It is therefore not to be presumed that land grants will be denied to these roads, which are almost national improvements in point of importance, if the subject is properly brought to their attention.

Two important railroads will soon be completed to Sioux City, Iowa: one a branch of the Pacific road, to which I referred in my last annual message; and the other the Dubuque and Sioux City, which has been leased for twenty years to the Illinois Central. The benefits of these improvements will rapidly be felt beyond their western termini, by the stimulus thus given to immigration, agriculture, and all branches of industry in southern Dakota; and will thus daily add to the already increasing demand for a similar road, from Sioux City, up the valley of the Missouri, to Yankton, a distance of sixty-five miles. As our population increases, and the business expands, cheaper and speedier communication between the west and the east will be demanded; therefore, in pressing this subject upon the attention of the Government, and of capitalists, we are only anticipating the wants and wishes of the people who are soon to inhabit this Territory.

I have spoken of our own contemplated roads as being almost national improvements in point of value. The time is coming when such language will be viewed as timid to a fault, and when the military and commercial wants of the country, east and west, will demand a railroad through the valley of the Missouri, and by way of the Black Hills, to Montana and Idaho, and

thence to the Pacific States and Territories. And capitalists cannot, if they would, ignore the advantages of the route, or its influence in developing the rich resources of the country through which it will be located. And the Government cannot, if it would, ignore the fact of its great national advantages, in establishing a military road by this route, and by cementing, by ties of mutual interest, the Pacific and the Atlantic States.

LARAMIE COUNTY.

Your attention is invited to that large part of Dakota, known in our statutes as Laramie county, lying west of the 104th meridian. The extension of the Union Pacific railroad through the southern portion of this county, has given a strong impetus to immigration in this direction, and it would be well to consider whether we have it in our power, by legislative enactment, to afford them the benefits of civil protection. Experience demonstrates that our courts, as at present organized and located, at such a remote distance from their settlements, can be of but little service to them in the administration of justice. The civil cases which will continually arise, must be attended to; and crime, which now goes unwhipt of justice, must be punished. We may render aid, to the extent of the authority given us, under the organic law; but if this is not sufficient in their opinion, I know of no good reason why they may not be clothed with all the blessings and protection of a separate organization. The lines embracing the limits of a new Territory would most likely be identical with those which now embrace this new county, and I know of no policy of our own, counterbalancing the benefits of such an organization to them, for opposing such a measure. It is certainly important that the arm of the law should be sufficiently convenient, and sufficiently powerful, for the protection of life and property; and that the unrestrained and unpunished criminals of that neighborhood may not give rise to an apparent necessity for the

citizens, in their own names, and without the authority of law, to undertake the administration of justice. Where the Territorial courts are now located, a feeling of security exists. The law is wisely interpreted and promptly applied by an upright, able, and faithful judiciary, and we are in duty bound to aid in the extension of these indispensable benefits and blessings to the remotest corners of our Territory. Besides, as regards the friendly Indians in that country, until courts are brought within their immediate reach, the trade and intercourse laws of Congress will be a dead letter. Unprincipled white men will, with impunity, introduce among them spirituous liquors and other unlawful traffic, always demoralizing to the Indian, and dangerous to the peace and safety of the inhabitants.

MODIFICATION OF LAWS.

I have but few recommendations to make in regard to the legislation required at the present session. With but slight exceptions, it is believed that the present laws are amply sufficient for our present necessities. What we probably need now, more than new laws or amendments—which serve in many instances only to complicate and render the whole difficult of application—is a codification or revision of those already enacted, and a remodeling of the act known as the Code of Civil Procedure. A memorial to Congress was passed at the last session, praying for authority to codify our laws, but I regret to say was not successful. Whether another similar application be advisable, at this time, is a question for you to determine. But to remodel the Civil Code is a work altogether at your own option. After years of experience, I am informed, it has proved to be very defective, uncertain in its meaning, and difficult of correct application. Therefore your attention is respectfully invited to this subject, being fully impressed with the belief that it would be a work highly appreciated by

all who are now, or may hereafter be, interested in the administration of our civil laws.

Your attention is also invited to the propriety of passing a general incorporation act to meet the growing demands of the Territory. By an act of the 39th Congress, approved March 2, 1867, it is provided as follows :

"That the legislative assemblies of the several Territories of the United States shall not, after the passage of this act, grant private charters or especial privileges ; but they may, by general incorporation acts, permit persons to associate themselves together, as bodies corporate, for mining, manufacturing, and other industrial pursuits."

Acts granting private charters, or special privileges, except for municipal purposes, or in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws, have, in some of the States, been prohibited by constitutional provision. This power, in too many instances, became the fruitful source of favoritism and corruption in many legislative bodies, at the expense of the just rights of the whole people, and at the sacrifice of the veneration and respect due to the law-making power ; while all the legitimate objects sought for, in these special privileges, consistent with the ends of justice, might have been as effectually secured under the provisions of a general law. In this case, argument is cut off as to the merits or demerits of a general or special act, by the act of Congress above named ; and you have no power left in the premises, by which you can legislate for the benefit of your constituents, but to mature such a general incorporation act as will meet their wants and expectations.

Under the Organic Act of this Territory, approved March 2, 1861, section 5, it was ordained as follows :

"That every free white male inhabitant of the United States, above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory ; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly : *Provided*, That the right

of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States."

This section of our Organic Act was modified at the second session of the 39th Congress, January 24, 1867, so far as to prohibit the Legislatures of any of the Territories of the United States from denying the elective franchise to any of the citizens thereof, on account of race, color, or previous condition of servitude. Therefore, so far as our Territorial election laws may prove to be inconsistent with the provisions of this last act, they are null and void, and will necessarily require your supervision.

PUBLIC BUILDINGS.

At the last session of the Legislature, memorials to Congress were adopted, praying for appropriations to erect a capitol building and penitentiary, which, I regret to say, were not successful. A building for the safe keeping of prisoners previous to trial and conviction, and where those who receive sentence may undergo suitable punishment, is imperatively required. As regards this building, I am requested by the Hon. Secretary of the Interior to inform you that an act was passed by Congress, approved January 22, 1867, setting aside certain proceeds from internal revenue for the erection of penitentiaries in all the Territories where appropriations for that purpose may not have been made. This embraces the nett proceeds of the internal revenue, for the fiscal year ending 30th June, 1866, and the two succeeding years thereafter. The building is to be erected under direction of the Secretary of the Interior, at such place as may be designated by the Legislature. The proceeds collected in Dakota Territory, applicable to the purpose, are limited to forty thousand dollars, which would be ample to erect such a building as is at present needed. But the obstacle in the way of success to this grant

is simply, so far as I can learn, that we have no nett proceeds from this source. And though the population and business are on the increase, at a highly encouraging rate, we probably cannot expect a sufficient nett revenue, from this source, within the time limited by the act, to answer the purpose designed. A direct appropriation of money is the only thing that can meet our present wants, and this should be pressed upon the attention of Congress without hesitation.

The capitol building, now in use, is totally unfit for the purpose, being but a temporary frame, not sufficiently commodious or comfortable for a winter session. The buildings occupied by the several federal officers are liable to the same objections. It is therefore highly important that this subject should be kept before Congress, until an appropriation for this purpose is secured. The insecurity of the public records, arising from the danger of fire and from the scattered and loose manner in which, from unavoidable necessity, they are now kept, as well as the comfort of the Legislature and federal officers, together with considerations of economy, might all be urged upon their attention with propriety.

HOMESTEAD LAW.

The last Legislature memorialized the Hon. Commissioner of the General Land Office, in regard to securing a more rigid observance of the homestead law, alleging that in many instances, the land is held by individuals with the object of evading its provisions, for speculative purposes, and not with the *bona fide* intention of residing on said land for the space of five years. The Hon. Commissioner, I am pleased to inform you, with his accustomed vigilance and fidelity to the public interests, promptly acknowledged the receipt of your memorial, in a letter to the Executive, dated January 28, 1867, in which he authorizes me to say that he has instructed the local officers to take such measures as will bring the cases alluded to before them for

examination, and, where the charges are sustained by corroborating testimony, to forward the cases, with the proofs, to his office. Therefore, where individuals merely hold their homesteads for sale, and not in good faith for actual settlement, those interested may, under these instructions, have the subject speedily investigated and decided, in accordance with the spirit and meaning of this most humane and beneficent law.

WESTERN DAKOTA AND THE INDIAN POLICY.

At the last meeting of the Legislature, I suggested the propriety of making an effort to secure military protection to immigrants who might wish to locate around the Black Hills of Dakota. To this the Legislature promptly responded in the form of a memorial to Congress, setting forth, in a lucid and satisfactory manner, the great natural resources of that country, and its vast importance to the future growth and prosperity of this Territory; but I regret to say, without being gratified with that success which was hoped for, and which seemed of such vital importance to us as a people.

Like most of the region north and west of the Yankton cession, the Indian title had never been extinguished to this locality, and, strictly speaking, we had no right to occupy or use it until, by suitable treaty or treaties with the Indian tribes in possession, we had obtained their consent. But blame does not justly attach to us for this omission. The question of title had not been broached in the previous memorials and letters to which I then called your attention; and, indeed, it did not seem to have had any weight even with Congress itself, as was evidenced by their act authorizing surveys of Government roads through the unceded lands of Dakota, with a view to open up thoroughfares between the eastern States and the mining regions of Montana and Idaho. It seemed, from the rapid occupation and use of the Powder river road, and surveys and contemplated use of the Niobrara and Big Sheyenne roads, that

the necessary negotiations were rather to follow, than to precede, the making and occupation of these and other contemplated national improvements. Even the trade and intercourse laws, which recognized the Indian title, and seemed to furnish some guarantee of protection to the aboriginal owners and possessors of the soil, were, for the time being, apparently laid aside and forgotten in the midst of the fever of excitement then existing, prompted as it was by rich discoveries of gold and silver in the newly organized Territories of the Northwest, and the supposed wealth of the Black Hills, in minerals and pine timber, within our own borders.

But though the true value of the Black Hills, as the basis of untold wealth to Dakota, remains the same as before, and is appreciated to its full extent, I am obliged to inform you that, from present indications, the past policy of the government is undergoing a change in relation to this region; and unless public opinion can be brought to bear on the action of Congress during the coming session, by the action of the Legislature and people of this Territory, and, if need be, by the voice of the people of the whole Missouri Valley, whose business interests are involved, our brightest hopes and expectations heretofore indulged in must fail. I refer to the bill passed and approved at the adjourned session of Congress, in July last, appointing a Peace Commission, whose duty it is, if possible, to establish peace with certain hostile tribes of Indians in the West. Among other duties enjoined on these Commissioners, they are required to examine and select a district of country, having an area sufficient to receive all the tribes east of the Rocky Mountains, not now residing on reservations, and at peace with the Government, to which the Government has the right of occupation, or to which the Commissioners can obtain the right of occupation; and in which district there shall be sufficient tillable or grazing land to enable the tribes to support themselves by pastoral or agricultural

pursuits. Possibly it would be more correct to say that two such districts are in contemplation, one of which is to be in the northwest and the other in the southwest. It has been generally understood that the one which concerns us is to be located within the present boundaries of Dakota, having the Missouri river as its boundary line on the east, the Yellowstone on the north, and the Niobrara on the south. The bare statement of the boundaries, as above given, will be sufficient to satisfy you, I trust, that the proposition, if carried out, must prove fatal to our Territorial interests. The lignite coal beds of the Bad Lands, the immense forests of pine timber of the Black Hills, together with the precious metals and beds of gypsum, are all west of the Missouri, and enclosed within these limits. Tribes of Indians, inured to savage and relentless warfare against the white race since the outbreak in Minnesota, in 1862, and until recently engaged in deadly conflict to recover possession of the Powder River road, and along the Platte, will, under treaties of peace, be brought and located along side of our present promising settlements; and the progress of these settlements westward will thenceforward forever be limited by the boundary of the Missouri river. All access to the reservation is to be cut off except to the officers and other employees of the Government, at least, without permission of the tribes interested. And it is not probable, in my opinion, even were all other objections removed, that the white inhabitants located on the east side of the river would be able peaceably to trade and barter, with these ignorant Indians, the products of our soil or our manufactories, for the timber and other desirable articles of that region. It would doubtless remain, for many years at least, locked up from the white race and diverted from the manifest uses designed by Providence. Thus this unfortunate barrier to our progress would discourage enterprise, turn the tide of immigration away from us, and effectually check the further growth and prosperity of

the Territory, now so encouraging. The valuable building material, never used or cared for by Indians, would be placed beyond our reach, while, as at present, no other could be had at reasonable rates. Thus, by act of Congress, a stupendous wrong would be inflicted on the people who are destined to inhabit this Territory, as the effect would be to establish an oppressive monopoly in favor of the lumber markets of the Mississippi and the Lakes.

I do not wish to discourage, by any act of mine, the past policy of the Government, which was to recognize the original right of the Indian to his hunting ground. He has a possessory right or title, which in justice we must respect. His weakness, and our strength, furnish no justification for an invasion of his rights without compensation. We must show our superiority over him in acts of justice and magnanimity, as well as mere military prowess; in our efforts to ameliorate and improve his condition, as well as to outstrip him in industry, civilization and progress. All experience shows that the Indian cannot sustain himself by the chase alone, after the white man once invades and occupies his country. The buffalo and other game will disappear before the railroads and other highways and settlements, and the Indian must, as a consequence, fade away and disappear also, unless, under the fostering hand of the Government, his nomadic habits are abandoned and he is taught the arts and advantages of civilization. The Indian should, therefore, not have a district of country so large that he can roam forever in a wild and uncivilized state; but he should be placed on reservations, where, aided literally by the Government, he could be taught the superior advantages of a pastoral or agricultural life, over his present wandering and aimless existence; and where the benign influences of religious instruction, the arts of peaceful industry, and the schools of learning, shall finally qualify him for the higher position of an American citizen.

The Government, in our case, as in the case of California, Utah, Colorado, and other Territories, extended its civil jurisdiction over this country, by organizing a Territorial government, without waiting for the extinguishment of the Indian title, except in the southeastern portion, purchased under the Yankton treaty. From this circumstance the Government has incurred a double obligation, which, in justice to the Indian and the citizens should be faithfully discharged to both. First, as to the Indian : Treaties should at once be made with a view to purchase their title to the Black Hill country, and the Bad Lands, west of the Missouri, including the Big Sheyenne ; and the right of way, by means of railroad and other improvements, to and from those regions, and to and from the mining regions of Montana and Idaho ; at the same time securing them Reservations on the bottom lands of the Missouri, or elsewhere, of suitable size and quality for farming purposes, with ample guarantees for their future protection and support during good behaviour. So much, at least, in my judgment, is due to the Indian.

As respects the white citizen, I contend that the extension of civil jurisdiction over this Territory, carries with it a guarantee of protection. It was an invitation to occupy and possess the land, by the introduction of agriculture, trade and commerce. It was a pledge of protection to life, liberty and property, to all who would cast their lots within our borders. It was an implied contract with the citizen, that the Indian title should in due time be extinguished, and that the fuel, building material and mineral deposits, including all the materials which enter into the composition of industrial life, should be his at Government price. It was an invitation to organize communities, in which the temple of God and the school house should be erected, under the aegis of the Government, and where the arts and sciences of civilized life should be permitted to flourish without fear of savage molestation. It is right, therefore, that

the Government, instead of dooming this country forever to savage control, should at once secure to us, under the operation of the homestead, pre-emption and mining laws, by purchase of the Indian title, the valuable resources referred to; which are essential to the prosperity and happiness of the citizen, but which possess no value in the eyes of the Indian, and would remain buried out of sight for ages to come if left to his disposition, skill, or industry, to develop.

It is due to justice and truth in this connection, to say, that whatever may be the result of this important movement, in its bearing upon us, I have the utmost confidence in the ability, patriotism, impartiality and good judgment of the gentlemen who compose the Peace Commission. If great legislative experience, long and distinguished public services, and extensive acquaintance with the intricate subject of Indian Affairs, are qualifications, then they are eminently fitted for the discharge of the duties intrusted to them. And if they fail to remove all just causes of complaint on the part of the Indian, or to establish peace and security on a basis of future prosperity for the citizen, I am confident that no particle of blame should be attached to them for such failure.

But, notwithstanding this, it would be right and proper, in my opinion, for the Legislature to respectfully memorialize Congress, to whom the final disposition of this subject belongs, so far as their action may injuriously effect our well known Territorial interests. We should protest against the mutilation of our boundary lines as contemplated; we should remonstrate against giving up the public highways already established by authority of the Government, such as the Sioux City and Big Sheyenne wagon road, and that of the Niobrara route; we should remonstrate against any Congressional action which would tend to deprive the white citizen of the full benefit of the Black Hill resources, and we should press our objections to

an act establishing this great Indian District or Reservation along side of the settlements of Southern Dakota.

It would be well to suggest to Congress that we have space enough, north of the Big Sheyenne, to accommodate, on reservations, ample in size and quality, all the tribes on the plains east of the Rocky Mountains, and north of the Platte; and in the midst of the best buffalo hunting grounds on the continent. This would be safe for us, and an actual benefit to the Indian, while with proper regulations, it would be a protection rather than an injury to the interests of the North Pacific Railroad. It would be well to suggest that a reservation which should embrace the Black Hill country, could not, in view of the past history of the country, be a permanent one, and for that reason would not answer the design of the government. The rich mineral deposits, and the vast forests of pine of that region, are destined to allure thousands of adventurers to that locality, who will eventually break over these temporary barriers, involve the government in new conflicts with the Indian tribes, and thus compel new treaties, and a new order of things, more in harmony with the progress and spirit of the times. I do not speak of this aggressive spirit, peculiar to our race, with a view to extol or even to justify it; but as a fact worth taking into account by those whose duty it is to legislate on the subject referred to. I mean by it to point out what experience teaches, that reservations unwisely chosen, because of the manifest obstructions offered to the progress of the white race, can only at best be temporary homes for the Indian tribes, and rendering their condition worse than they were before.

The remaining duties appertaining to this and other subjects to which I have invited attention, now rest with you. Wherein I have omitted subjects of importance, dwelt on in my annual message of last year, I respectfully refer you to that document for my opinions and recommendations. But, as heretofore, you will have my cordial co-operation in whatever concerns the true interests or welfare of this Territory; and in all your deliberations I invoke the direction of Infinite Wisdom.

A. J. FAULK.

EXECUTIVE OFFICE, YANKTON, }
December 1867. }



